

AMENDED IN ASSEMBLY JUNE 27, 2012

AMENDED IN ASSEMBLY JUNE 21, 2012

AMENDED IN ASSEMBLY JULY 11, 2011

AMENDED IN ASSEMBLY JUNE 20, 2011

AMENDED IN SENATE MAY 31, 2011

AMENDED IN SENATE APRIL 26, 2011

## SENATE BILL

**No. 35**

---

### Introduced by Senator Padilla

December 6, 2010

---

An act to add Chapter 6 (commencing with Section 2400) to Division 2 of the Elections Code, relating to voter registration.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 35, as amended, Padilla. Voter registration agencies.

Existing law, the federal National Voter Registration Act of 1993, requires each state to ~~designate specified agencies and offices within the state~~ *establish procedures to register voters by application in person at certain federal, state, or nongovernmental agencies designated by state law* as voter registration agencies.

This bill would *establish procedures to register voters in accordance with the act. This bill would* ~~designate the California Health Benefit Exchange specified agencies and offices as a voter registration agency~~ *agencies and would require those voter registration agencies to perform specified tasks related to voter registration. This bill would require the Secretary of State and county elections officials to coordinate with the voter registration agencies, as specified.*

*By requiring additional duties of county elections officials and local agencies, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 6 (commencing with Section 2400) is  
2 added to Division 2 of the Elections Code, to read:

3  
4 CHAPTER 6. VOTER REGISTRATION-~~AGENCY~~ AGENCIES

5  
6 ~~2400. The California Health Benefit Exchange is hereby~~  
7 ~~designated a voter registration agency for purposes of the federal~~  
8 ~~National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg~~  
9 ~~et seq.).~~

10 2400. *It is the intent of the Legislature, in enacting this chapter,*  
11 *to facilitate compliance with the requirements set forth in the*  
12 *federal National Voter Registration Act of 1993 (42 U.S.C. Sec.*  
13 *1973gg et seq.) relating to voter registration services.*

14 2401. *For purposes of this chapter, the following terms have*  
15 *the following meanings:*

16 (a) *“Agency coordinator” means a person designated by a voter*  
17 *registration agency to coordinate and administer the voter*  
18 *registration agency’s responsibilities under this chapter and the*  
19 *federal National Voter Registration Act of 1993 (42 U.S.C. Sec.*  
20 *1973gg et seq.).*

21 (b) *“County coordinator” means a person designated by a*  
22 *county elections official to coordinate and administer the county’s*  
23 *responsibilities under this chapter and the federal National Voter*  
24 *Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).*

1 (c) “State coordinator” means a person designated by the  
2 Secretary of State to coordinate and administer the Secretary of  
3 State’s responsibilities under this chapter and the federal National  
4 Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

5 (d) “Voter preference form” means the form described in  
6 Section 1973gg-5(a)(6)(B) of Title 42 of the United States Code.

7 (e) “Voter registration agency” means either of the following:

8 (1) A department, division, or office of state or local government,  
9 or a program supported by state funds, that is designated under  
10 this chapter or pursuant to the federal National Voter Registration  
11 Act of 1993 (42 U.S.C. Sec. 1973gg et seq.) as a voter registration  
12 agency.

13 (2) A private entity under contract with a designated voter  
14 registration agency to provide services or assistance on behalf of  
15 the designated voter registration agency.

16 2402. (a) The Secretary of State is the chief state elections  
17 official responsible for coordination of the state’s responsibilities  
18 under the federal National Voter Registration Act of 1993 (42  
19 U.S.C. Sec. 1973gg et seq.).

20 (b) The Secretary of State shall adopt such regulations as are  
21 necessary to implement this chapter and the federal National Voter  
22 Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

23 2403. (a) In addition to the agencies and offices designated  
24 as voter registration agencies pursuant to Executive Order  
25 W-98-94, issued August 12, 1994, and the federal National Voter  
26 Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.), each of  
27 the following is hereby designated a voter registration agency:

28 (1) California Department of Aging.

29 (2) California Health Benefit Exchange.

30 (3) Department of Veterans Affairs.

31 (4) Employment Development Department.

32 (5) Franchise Tax Board.

33 (6) Office of AIDS.

34 (7) State Board of Equalization.

35 (8) State Emergency Food Assistance Program.

36 (9) State Personnel Board.

37 (10) Each office in the state that accepts applications and  
38 administers benefits or services for any of the following programs:

39 (A) Access for Infants and Mothers Program.

1 (B) Community-based adult services provided pursuant to the  
2 California Adult Day Health Care Act (Chapter 3.3 (commencing  
3 with Section 1570) of Division 2 of the Health and Safety Code).

4 (C) Healthy Families Program.

5 (D) Health Insurance Counseling and Advocacy Program.

6 (E) Multipurpose Senior Services Program.

7 (11) Each high school, trade or vocational school, and campus  
8 of the California Community Colleges and the California State  
9 University.

10 (b) The University of California is encouraged to comply with  
11 the duties and responsibilities of a voter registration agency as  
12 set forth in this chapter and the federal National Voter Registration  
13 Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

14 2404. (a) A voter registration agency shall comply with the  
15 applicable duties and responsibilities of a voter registration agency  
16 set forth in the federal National Voter Registration Act of 1993  
17 (42 U.S.C. Sec. 1973gg et seq.).

18 (b) A voter registration agency, with each application for service  
19 or assistance and with each recertification, renewal, or change of  
20 address form relating to the service or assistance, and in  
21 accordance with the federal National Voter Registration Act of  
22 1993 (42 U.S.C. Sec. 1973gg et seq.), shall provide to an applicant  
23 both of the following:

24 (1) A voter preference form.

25 (2) A voter registration card, unless the applicant, in writing,  
26 declines to register to vote.

27 (c) For purposes of paragraph (2) of subdivision (b), an  
28 applicant's failure to respond to the question of whether he or she  
29 would like to register to vote does not constitute a declination to  
30 register.

31 2405. (a) The Secretary of State shall designate a state officer  
32 or employee within his or her office to be the state coordinator.

33 (b) The state coordinator shall do all of the following:

34 (1) Coordinate with each county coordinator and agency  
35 coordinator to implement this chapter.

36 (2) Post the name of, and contact information for, each county  
37 coordinator on the Secretary of State's Internet Web site.

38 (3) Notify the county coordinator in each county of the name of  
39 each voter registration agency with an office or site within that  
40 county and the location of each office or site.

1     (4) *Prepare written materials that describe the responsibilities*  
2 *of a county coordinator and an agency coordinator pursuant to*  
3 *this chapter and the federal National Voter Registration Act of*  
4 *1993 (42 U.S.C. Sec. 1973gg et seq.).*

5     (5) *Conduct an audit of a voter registration agency if the agency*  
6 *fails to timely submit a report pursuant to Section 2408, or if a*  
7 *report indicates that the agency is not complying with the*  
8 *requirements of this chapter or the federal National Voter*  
9 *Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).*

10    (6) *Conduct an audit of a county coordinator if the county*  
11 *coordinator fails to timely submit a report pursuant to Section*  
12 *2408, or if a report indicates that the county coordinator is not*  
13 *complying with the requirements of this chapter or the federal*  
14 *National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg*  
15 *et seq.).*

16    (7) *Post the results of an audit conducted pursuant to paragraph*  
17 *(5) or (6) on the Secretary of State's Internet Web site.*

18     2406. (a) *A county elections official shall designate a person*  
19 *within the county to serve as the county coordinator. The county*  
20 *coordinator shall be responsible for coordinating with the state*  
21 *coordinator and each applicable agency coordinator within the*  
22 *county to administer the voter registration services required*  
23 *pursuant to this chapter and the federal National Voter*  
24 *Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).*

25     (b) *The county coordinator shall do all of the following:*

26     (1) *Provide voter registration cards to a voter registration*  
27 *agency upon request of the agency coordinator.*

28     (2) *Maintain a record of the number of voter registration cards*  
29 *provided to and received from each voter registration agency, and*  
30 *each office or site thereof.*

31     (3) *Assist a voter registration agency, upon request, in*  
32 *conducting a training program for its employees on the*  
33 *requirements of this chapter and the federal National Voter*  
34 *Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).*

35     2407. (a) *A voter registration agency shall designate a person*  
36 *within that agency to serve as the agency coordinator. If the voter*  
37 *registration agency has more than one office or site within the*  
38 *state, the agency may designate multiple persons within the agency*  
39 *to each serve as an agency coordinator for one or more specified*  
40 *offices or sites.*

1     **(b)** *An agency coordinator shall do all of the following:*

2     **(1)** *Notify the state coordinator of the location of each of the*  
3 *voter registration agency's offices or sites within the state.*

4     **(2)** *Request voter registration cards from a county coordinator,*  
5 *as needed.*

6     **(3)** *Take steps to ensure that the voter registration agency, or*  
7 *each office or site of the voter registration agency for which the*  
8 *agency coordinator has been designated, has a sufficient supply*  
9 *of voter preference forms and voter registration cards available,*  
10 *including voter preference forms and voter registration cards in*  
11 *all languages required by Section 203 (42 U.S.C. Sec. 1973aa-1a)*  
12 *or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting*  
13 *Rights Act of 1965.*

14     **(4)** *Maintain records of the number of voter preference forms*  
15 *submitted to the voter registration agency, or each office or site*  
16 *of the voter registration agency for which the agency coordinator*  
17 *has been designated, and the responses indicated on those voter*  
18 *preference forms.*

19     **(5)** *Conduct a training program on the requirements of this*  
20 *chapter and the federal National Voter Registration Act of 1993*  
21 *(42 U.S.C. Sec. 1973gg et seq.) for each employee of the voter*  
22 *registration agency, or of the office or site of the voter registration*  
23 *agency for which the agency coordinator has been designated,*  
24 *who may provide voter registration services.*

25     **(6)** *Monitor and, if necessary, conduct an audit of the voter*  
26 *registration agency, or each office or site of the voter registration*  
27 *agency for which the agency coordinator has been designated, as*  
28 *necessary, to ensure compliance with this chapter and the federal*  
29 *National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg*  
30 *et seq.).*

31     **(c)** *Each time there is a change in an agency coordinator, the*  
32 *voter registration agency shall immediately forward the name and*  
33 *contact information of the new agency coordinator to each*  
34 *applicable county coordinator and the state coordinator.*

35     2408. **(a)** *Within 10 days after the beginning of each calendar*  
36 *month, a county coordinator shall report to the state coordinator,*  
37 *on a form prescribed by the Secretary of State, all of the following*  
38 *information for the preceding month:*

39     **(1)** *The number of voter registration cards sent to each voter*  
40 *registration agency and to each office or site thereof.*

1     (2) *The number of voter registration cards received from each*  
2 *voter registration agency and from each office or site thereof.*

3     (b) *Within 10 days after the beginning of each calendar month,*  
4 *an agency coordinator shall report to the state coordinator, on a*  
5 *form prescribed by the Secretary of State, and to each applicable*  
6 *county coordinator all of the following information for the*  
7 *preceding month:*

8         (1) *The number of voter preference forms completed by*  
9 *applicants at the voter registration agency, or at an office or site*  
10 *thereof.*

11         (2) *A summary of the responses indicated on the voter preference*  
12 *forms.*

13     (c) *The state coordinator shall post the information contained*  
14 *in each report received from a county coordinator or an agency*  
15 *coordinator on the Secretary of State's Internet Web site.*

16     2409. (a) *A voter registration agency that allows a person to*  
17 *apply online for service or assistance, or to submit a recertification,*  
18 *renewal, or change of address form relating to the service or*  
19 *assistance online, shall implement a process and infrastructure*  
20 *that allows an applicant to electronically submit a voter preference*  
21 *form to the voter registration agency, and to submit an affidavit*  
22 *of voter registration electronically on the Internet Web site of the*  
23 *Secretary of State in accordance with Chapter 2.5 (commencing*  
24 *with Section 2196). The state coordinator shall work in conjunction*  
25 *with each voter registration agency to develop this process and*  
26 *infrastructure.*

27     (b) *If a person indicates on his or her electronic voter preference*  
28 *form that he or she would like to register to vote, the person shall*  
29 *be informed that he or she may register to vote through one of the*  
30 *following options, if applicable:*

31         (1) *Submit an affidavit of voter registration electronically on*  
32 *the Secretary of State's Internet Web site pursuant to subdivision*  
33 *(a) of Section 2196.*

34         (2) *Complete an affidavit of voter registration electronically on*  
35 *the Secretary of State's Internet Web site, print a hard copy of the*  
36 *completed affidavit, and mail or deliver the hard copy of the*  
37 *completed affidavit to the Secretary of State or the appropriate*  
38 *county elections official pursuant to subdivision (d) of Section*  
39 *2196.*

1     (3) Obtain a voter registration card on a county's Internet Web  
2 site and print, complete, sign, and return the card to the county  
3 elections official pursuant to subdivision (d) of Section 2158.

4     (4) Request a voter registration card be mailed to him or her  
5 pursuant to subdivision (c) of Section 2158, and complete, sign,  
6 and return the card as instructed.

7     (c) A voter registration agency shall take steps to ensure that  
8 the information entered into a person's electronic application for  
9 service or assistance, or his or her electronic recertification,  
10 renewal, or change of address form relating to the service or  
11 assistance, will be automatically transferred to the electronic  
12 affidavit of voter registration if the person indicates that he or she  
13 would like to register to vote.

14     (d) The Secretary of State shall take steps to ensure that the  
15 electronic affidavit of voter registration is available in all  
16 languages required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or  
17 Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting  
18 Rights Act of 1965.

19     SEC. 2. If the Commission on State Mandates determines that  
20 this act contains costs mandated by the state, reimbursement to  
21 local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code.